

SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO P.C.

120 BROADWAY • NEW YORK • NEW YORK 10271

TELEPHONE: (212) 732-9000

FACSIMILE: (212) 266-4141

SPBMC-NY@TrialLaw1.com

www.TrialLaw1.com

Robert G. Sullivan  
Nicholas Papain  
Michael N. Block  
Christopher T. McGrath  
Vito A. Cannavo  
John F. Nash  
Frank V. Floriani

Marie Ng  
Eleni Coffinas  
David J. Dean  
Hugh M. Turk  
Albert B. Aquila  
Brian J. Shoot  
Andrew J. Carboy

PLEASE REPLY TO:

New York City Office

Eric K. Schwarz  
Mary Anne Walling  
Elizabeth Montesano  
Matthew J. Jones  
Deanne M. DiBlasi  
Beth N. Jablon  
Liza A. Milgrim  
Susan M. Jaffe  
Donte Mills  
Christopher P. Spina

Jeffrey B. Bromfeld  
Wendell Y. Tong  
Benjamin J. Wolf  
Terrence L. Tarver  
Michael J. Wells  
Noemi Puntier  
Clifford S. Argintar  
Jocelyn E. Lupetin  
Kerry A. McManus  
Thomas J. McManus

John M. Tomsy  
George J. Pfluger  
*Counsel to the Firm*

Herman Badillo  
Hon. Joseph N. Giamboi (ret.)  
Stephen C. Glasser  
*Of Counsel*

August 21, 2009

The Honorable Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East - Room 659  
Brooklyn, New York 11201

Re: U.S.A. vs. City  
Civil Action No.: 07-cv-2067 (NGG) (RLM)

Dear Judge Garaufis:

I am writing on behalf of proposed intervenor, the Uniformed Firefighters Association ("UFA"), in response to the letters sent to the Court by counsel for the United States and counsel for the plaintiffs-intervenors (hereinafter collectively "plaintiffs"), both dated August 18, 2009, expressing their views regarding the UFA's motion to intervene as a party-defendant in the remedy phase of this matter. Those letters concede the right of the UFA to intervene in the remedy phase with regard to retroactive "competitive" seniority.

The UFA's request to intervene is solely for the purpose of protecting the rights of incumbent firefighters in connection with any remedy ordered or approved by the Court. As such, the UFA has no intention of re-litigating liability issues in this matter, nor opposing retroactive "benefits" seniority as defined by the August 18, 2009 letters.

With regard to the comments by counsel about the merits of any opposition to the relief sought by plaintiffs, they will be addressed by the UFA during the remedy phase.


SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO P.C.

Honorable Nicholas G. Garaufis  
August 21, 2009  
Page 2 of 2  
.....

Accordingly, the UFA submits that there is no opposition to its request for intervention in the remedy phase of this case to protect the competitive seniority rights of its members.

Respectfully yours,

SULLIVAN PAPAIN BLOCK  
McGRATH & CANNAVO P.C.

By:   
Michael N. Block (MNB/0957)

MNB:law

cc: Magistrate Roanne L. Mann  
Service List

(UF-068518)